

REMARKS

Claim 1

The remarks set forth in previous response to claim 1 are reiterated here.

It is asserted that Figure 4 indicates a retail facility. However, there is nothing from Figure 4 which suggests a retail facility. Moreover, there is nothing which suggests any of this would be used by customers as set forth in the claim.

Figure 5 is just an enlarged view of the element shown in Figure 4. Again, the figure is uninforming about where the portable terminal might be used.

Finally, the background is cited and it indicates that wireless terminals have been used in retail stores. But there is nothing to suggest that these were used by customers. In other words, these were inventory systems for employees. Employees could do inventory, presumably, with the scanners shown in Figures 4 and 5. There is no reason to believe that any of this was set up or adapted for use by customers. The concept of such a system which enables communications through customers is completely and totally lacking in the cited reference.

Claim 4

The adaptation to retail customers is brought out more in claim 4. Claim 4 enables the system to be used by unknown retail customers. The system may be activated, according to claim 4, by enabling users to swipe a credit card through a slot in the device.

One problem with the system shown in the Swartz reference is that if a terminal was just simply handed out to customers walking into Walmart, not all of the terminals would probably find their way back. Claim 4 calls for requiring a credit card to activate the unit.

The cited reference to Ogasawara has absolutely no such capability or functionality. All Ogasawara says is that a smart card can be used to exchange data. Ogasawara does not teach anything about activating a unit, he does not teach anything about a credit card, and, therefore, he most certainly does not teach anything about using a credit card to activate a unit. Moreover, neither he nor Swartz has any way to enable the initiation of a system in which retail customers can communicate with one another without simply giving away the communication units. In other words, the provision of the credit card swipe capability enables some control over the units. No such concept is anywhere suggested in any of the cited references.

Claim 8

Claim 8 calls for providing information about the current location of a processor-based device associated with a customer. The office action simply refers, in the response to arguments, to Beach at column 12, lines 51-52. Those lines are “ready), (ii) place orders for out-of-stock items, and (iii) identify the location of all store shoppers and employees.”

Again, this has nothing to do with identifying the current location of a processor-based device. It, presumably, simply calls for audible communications to contact employees or shoppers. It does not suggest some way to identify where the device actually is located. Therefore, reconsideration of the rejection of claims 8 and 9 is, again, requested.

Claim 26

Claim 26 calls for providing retail customers with a terminal to communicate with the network and the terminal activated by the swiping of the credit card. No reference to date has identified any terminal that is activated by swiping a credit card. The Examiner’s refusal to address this repeatedly pointed out point simply confirms the absence of any basis for the rejection.

Claim 35

Again, with respect to claim 35, the Examiner ignores the arguments made.

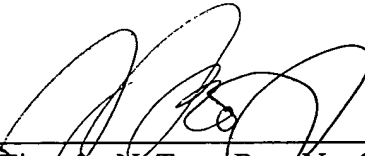
Claim 43

It was pointed out that no cited reference teaches pushing information to customers based on their location. Despite this, the Examiner relies on his previous rejection without any identification of such an element in the prior art.

The Examiner is respectfully requested to specifically address these points so that prosecution may be advanced or an informed decision may be made about whether to appeal.

Respectfully submitted,

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